

DAC #4



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX DAC

PETITION TO CONSIDER CORRESPONDENCE FILED IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE UNDER 37 CFR 1.10
OR IN THE ALTERNATIVE
UNDER 37 CFR 1.183

APPLICANT: Ralf HAFERBECK et al. DOCKET NO: P00,1277
SERIAL NO.: 09/826 357 ART UNIT:
FILED: EXAMINER:
TITLE: ATM SWITCHING EQUIPMENT HAVING A SWITCHING NETWORK

Commissioner of Patents and Trademarks,
Washington, D.C. 20231

RECEIVED

MAY 16 2001

Dear Sir:

OFFICE OF PETITIONS

Applicants file this petition pursuant to 37 CFR 1.10(e) or, in the alternative,
under 37 CFR 1.183.

Statement of Facts

The above-identified (and attached) utility patent application was originally
filed with the United States Patent and Trademark Office on June 14, 2000 as
evidenced by the attached copy of the Express Mail Label Number
EL568799959US, and as further evidenced by the attached copy of the United
States Postal Service Tracking Confirmation showing delivery on June 15, 2000.

After the associated postcard had not been returned in a reasonable time,
Applicants contacted the OIPE for a status inquiry—the OIPE stated that Applicants
should resubmit all papers, including evidence that the application had been
properly mailed on the date alleged using Express Mail.

Applicants complied and resubmitted all documents on November 28, 2000.
These papers were also lost. A third (hand) delivery of these documents resulted in
a successful receipt of a serial number and a filing date. However, the filing date
accorded the application was the date of the third submission, April 5, 2001.

Applicants submit with this petition:

1. A copy of the Express Mail mailing label used to submit the original
application;
2. The originally deposited papers that constitute the correspondence
showing the Express Mail number on them;
3. A USPS tracking confirmation showing a pick-up on June 14, 2000,
and delivery on June 15, 2000; and

4. The petition fee indicated under 1.17(h) required by 37 CFR 1.183.

The original deposit of the correspondence and the copies of the correspondence contained herein are identical. The copy of the Express Mail mailing label and the official notation entered by the USPS are true copies.

Applicants note that this petition was not filed immediately after an awareness that the Office had no evidence of receipt of the correspondence due to the instructions given by the OIPE during the status check of the pending application. Applicants thus petition in the alternative under 37 CFR 1.183, and include the petition fee set forth in 1.17(h). Applicants request, however, that this fee be refunded as the error in losing the submitted documents lies with the U.S. Patent and Trademark Office.

APPLICANT HEREBY PETITIONS THAT:

1) THE APPLICATION SUBMITTED WITH THIS PETITION BE CONSIDERED AS FILED IN THE OFFICE ON THE USPS DEPOSIT DATE OF JUNE 14, 2000, OR IN THE ALTERNATIVE;

2) THE FILING DATE OF THE PRESENT APPLICATION ON FILE, WHICH IS IDENTICAL TO THE APPLICATION SUBMITTED WITH THIS PETITION, BE CHANGED TO JUNE 14, 2000.

Applicants believe that all requirements have been met with this petition, and respectfully request that the petition be granted.

It is believed that the included fee is adequate for this petition; however, if the Commissioner finds that an additional fee is due, the Commissioner is authorized to charge any such fees to account no. 50-1519.

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MAY 16 2001
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Respectfully submitted,

Mark Bergner (Reg. No. 45,877)
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on May 11, 2001

Mark Bergner
Attorney for Applicants